

## Remarks

### **I. INTRODUCTION**

Claims 3-5 are pending in the present application. Claims 3 and 5 have been amended. No new matter has been added. Reconsideration of the present application is requested.

As an initial matter, Applicants submit that the present Office Action is improperly designated "final." Respectfully, in accordance with MPEP 706.07(a), second or subsequent actions on the merits are final "except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement." In the present Office Action, the Examiner rejects the claims for the first time under 35 U.S.C. § 112, based on language that existed in the claims when the application was first examined. For at least this reason, the finality of the present Office Action is premature, and accordingly, should be withdrawn.

### **II. REJECTION OF CLAIMS 3-5 UNDER 35 U.S.C. § 112**

Claims 3-5 stand rejected under 35 U.S.C. § 112, apparently due to Applicants recitation of "technical processor." Applicants have amended claims 3 and 5 to recite "technical process." It is respectfully submitted that the rejection of claims 3-5 under 35 U.S.C. § 112 should now be withdrawn.

### **III. REJECTION OF CLAIMS 3-5 UNDER 35 U.S.C. § 103**

Claims 3-5 stand rejected under 35 U.S.C. § 103 as being obvious over U.S. Patent No. 5,805,442 to Crater et al. (the "Crater patent") in view of U.S. Patent No. 5,790,800 to Gauvin et al. (the "Gauvin patent") It is respectfully submitted that none of claims 3-5 is obvious over Crater in view of Gauvin, for at least the following reasons.

The present invention relates to a system in which a data-utilizing component can be developed independently of a

data-supplying component. In such a system, there is no direct data exchange capability between a server (i.e., the data-supplying component) and a client (i.e., the data-utilizing component). Instead, the data exchange take place exclusively through an external control element. In this system, a data or information exchange from or to a client, e.g., client CL, is accomplished by way of properties, e.g., P1...Pn.

Specification, page 12, lines 6-8. A data or information exchange by way of a property brings about the execution of code associated with the property. Specification, page 12, lines 8-11. This functionality ensures that a datum arriving at a client CL brings about immediate execution of a specific code. Specification, page 12, lines 16-17. In the case of a write data transfer DW, with which a data transfer from external control element AS to client CL (to it property P3) takes place, the presence of a datum for property P3 brings about immediate execution of a code of client CL associated with property P3. Specification, page 12, lines 17-22. Accordingly, claims 3 and 5 recite "wherein a datum received by the client via the data or information exchange brings about an immediate execution of a specific code." Claim 4 depends from claim 3.

It is respectfully submitted that neither the Crater patent nor the Gauvin patent, alone or combined, describe or suggest at least that a datum received by the client brings about an immediate execution of a specific code. As regards the Crater patent, for example, the Examiner apparently relies on the "remote computer" with respect to Applicants' client. The Crater patent describes that the remote computer can download data, however, nothing with the Crater patent suggests that the data received by the remote computer "brings about an immediate execution of a specific code." The Gauvin patent also does not disclose or suggest this feature.

In view of the foregoing, it is respectfully submitted that none of claims 3-5 is obvious over the Crater patent in view of the Gauvin patent. Withdrawal of the rejection is requested.

III. CONCLUSION

Each of the issues raised by the Examiner has been addressed. It is respectfully submitted that all of the pending claims are in condition for allowance. Passage to issuance is requested.

Respectfully submitted,

*W. L. C. 3609*

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By:

*[Signature]*  
Richard L. Mayer  
Reg. No. 22,490

KENYON & KENYON  
One Broadway  
New York, NY 10004  
(212) 425-7200